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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/315,973 | 05/21/1999 | SHASHANK MERCHANT | 50100-783 | 7187 |

20277 7590 04/08/2003

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EXAMINER

LY, ANH VU H

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 04/08/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

11.

Advisory Action

Application No.

09/315,973

Applicant(s)

MERCHANT ET AL.

Examiner

Anh-Vu H Ly

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 1 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

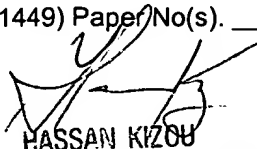
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 7-13 and 19.Claim(s) rejected: 1-6 and 14-18.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper/No(s). _____
10. ☐ Other: _____


HASSAN KIZOUSUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues on page 2, line 12-14, examiner offered no logical reason to support the conclusion that one having ordinary skill in the art would have been impelled to modify Kerstein in view of Murthy teaching. Examiner respectfully traversed such argument, Kerstein and Murthy disclose all the claimed limitations as recited in independent claims 1 and 14. Therefore, as previously stated in last office actions, it is reasonable to combine the teachings of Kerstein and Murthy to arrive the claimed invention since both references relate to a communication system for routing and switching packet data. Further, applicant identifies on page 4, line 9-14, other features taught by Kerstein. Applicant states that the teachings of Kerstein expressively teach away from the modification, however, such features are irrelevant to the claimed invention. The claimed limitations recited in the independent claims 1 and 14 are properly addressed by Kerstein and Murthy, such as a plurality of ports for receiving and transmitting data packets; a decision making engine responsive to receive data packets for directing the received data packets to the ports selected for transmission of the received data packets; wherein, the decision making engine including a plurality of queuing devices corresponding to plurality of ports for queueing data blocks; logic circuitry responsive to plurality of queuing devices for processing the data blocks in accordance with a prescribed algorithm to determine destination information; a forwarding circuit responsive for identifying at least one transmit port; and a traffic capture mechanism for enabling one port of plurality of ports to output data transferred via multiple other selected ports of plurality of ports. Other features taught by Kerstein are not part of the claimed invention.